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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,102	10/27/2003	Mark Gerber	16477-003002	3097
26231 7590 05/02/2007 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER HOANG, DANIEL L	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/694,102	Applicant(s) GERBER ET AL.	
	Examiner Daniel L. Hoang	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/15/07, 10/27/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 19-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

CLAIM OBJECTIONS

Claim Objections

Claims 6, 12, and 18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

As per claim 6, 12, 18:

The claim cites sending information in HTML formatted codes. The claim depends on claim 2, which further depends on claim 1. Claim 1 cites that data is transmitted by a computer to a web site. It is clear that data communication is done through web pages. It is well-known that HTML is the standard for communication on the web. Applicant's disclosure states that communication takes place utilizing HTML. It is clear that the communication of data in claim 1 is already enabled to use HTML. Therefore, claim 6 is in improper dependent form for failing to further limit claim 1. Claims 12 and 18 are also similarly rejected.

Claims 3-6, 9-12, and 15-18 are objected to as being dependent upon a rejected base claim.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 2, 4, 8, 10, 14, and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claim 2, 4, 8, 10, 14, 16:

The claim cites an encryption key used for encrypting and decrypting. Applicant's specification does not include an encryption key. Applicant does disclose an encryption key identification code that identifies how a particular page is encrypted but it is unclear to examiner whether the two are equivalent.

Therefore the claim does not comply with the enablement requirement. Appropriate correction is required. Claim 4, which also cites the encryption key, is also similarly rejected for the same reasons.

Claims 8, 10, 14, and 16 are also similarly rejected.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 7, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, 7, 13:

The claim cites a method for preventing use of data transmitted by a computer to a web site by a program operating on the computer. As the claim currently stands, it is unclear to examiner whether the method is performed by the program operating on the computer or whether the program operating on the computer is being prevented from using data transmitted by the computer to a website. Appropriate correction is required.

The claim also cites encrypting subsequent sets of codes that are different than the sets of codes. It is unclear to examiner which sets of codes applicant intends to encrypt subsequently. It is also unclear whether the computer is encrypting the subsequent sets of code or if the system or server is encrypting the sets of code. It is further unclear what applicant means by citing that the subsequent sets of code are different from the set of codes, more specifically, which set are they different from, the set of codes from the system or server, or the sets of codes from the computer? Due to numerous ambiguities in the claim, the claim is rendered indefinite.

Claims 7 and 13 are also similarly rejected for the same reasons.

3. Claims 1, 7, and 13 are rejected under 35 U.S.C. 112, second paragraph for lacking antecedent basis.

As per claim 1, 7, 13:

Claims 1 recites the limitation "the set of labels" in line 4. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, examiner interprets the claim to say, "a set of labels". Appropriate correction is required. Claims 7 and 13 are also similarly rejected.

4. Claims 1, 7, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01.

As per claim 1, 7, 13:

The claim cites a set of codes and a set of labels are encrypted and sent to the computer. The claim also cites receiving from the computer, codes from the set of codes as well as decrypting the codes received from the computer. The omitted elements are a system or server which sends the codes and labels to the computer, encryption/decryption devices or capabilities on said system or server, and encryption/decryption devices or capabilities on said computer.

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The claim also cites encrypting a set of codes. The specification cites that the codes are encrypted by combining the codes with an encryption key ID. The omitted elements are an encryption key ID generating device or system and the encryption key ID.

Claims 7 and 13 are also similarly rejected.

5. Claims 1, 7, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

As per claim 1:

The claim cites decrypting codes received from the computer. The omitted steps are encrypting the codes by the computer and sending the codes by the computer.

As stated above, the claim omits the element of an encryption key ID. Therefore, the step of creating or generating the encryption key ID is also omitted.

Claims 7 and 13 are also similarly rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frid et al, US Patent No. 5,857,967.

As per claim 1, 7, 13:

A method for preventing the use of data transmitted by a computer to a web site by a program operating on the computer, comprising:

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encrypting a set of codes, wherein each code in the set of codes is associated with a particular label in the set of labels, the set of labels containing information to be displayed on the computer;

[see col. 2, lines 13-26 and col. 5, lines 37-43]

sending the set of labels and the set of codes to the computer;

[see col. 2, lines 27-36]

receiving from the computer codes from the set of codes;

[see col. 2, lines 27-36]

decrypting the codes returned from the computer, and

Frid does not explicitly cite that the codes are decrypted once returned from the computer. Frid's invention teaches of a system to transfer secure information from the server to a client. In the case that the information needs to be updated and transferred back to the server, it would have been obvious to encrypt such information for the same reason that it was encrypted when sent to the client. In this case, in order for the server to use the updated information, it is necessary for the server to decrypt the information.

encrypting subsequent sets of codes that are different than the set of codes, wherein each code in the subsequent sets of codes is also associated with a particular label in the set of labels.

[see col. 4, paragraphs 3-9, wherein the server is capable of providing various types of information to the requesting client, further wherein it is clear that the different types of information comprises different sets of codes.]

As per claim 2, 8, 14:

The method as described in claim 1, wherein the encrypting a set of codes step includes using an encryption key to encrypt the set of codes, the sending step includes sending an encryption key to the computer, the receiving step includes receiving the encryption key back from the computer, the decrypting step includes using the encryption key to decrypt the codes received from the computer, and the encrypting subsequent sets of codes step includes sending the subsequent sets of codes to other computers.

Asymmetric encryption is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize asymmetric encryption to encrypt the set of

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codes in Frid's invention so that both the server and the client can encrypt and decrypt information using the same key. For this to be possible, it is clear that the key used to encrypt data sent to the client from the server must also be made available to the client.

As per claim 3, 9, 15:

The method as described in claim 1, wherein the sets of codes and the set of labels are associated in option statements.

Frid does not explicitly cite that the sets of codes and sets of labels are associated in option statements. The option statement is a well-known html tag that is often combined with the 'value' attribute in order to indicate what is sent back to the server. it would have been obvious to one of ordinary skill in the art at the time of the invention to use option statements in order to properly communicate html code back to the server.

As per claim 4, 10, 16:

The method as described in claim 2, wherein the encryption keys include a time stamp.

[see col. 4, paragraph 3]

As per claim 5, 11, 17:

The method as described in claim 1, wherein the labels in the set of labels describe flight information.

Although the Frid reference corresponds to a health care information delivering system, it would have been obvious to one of ordinary skill in the art that it is also applicable to other information systems including a flight information system. Further, applicant's disclosure suggests that applicant's system, which is directed to a travel system, may also be used with other web sites such as web sites that sell books, music, videos, computer equipment, hotel reservations, and rental car reservations. Examiner interprets that this limitation is merely a matter of design choice and that the system is applicable to a travel system.

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As per claim 6, 12, 18:

The method as described in claim 2, wherein the sending step further includes sending the set of labels, the set of codes, and the encryption key to the computer in HTML formatted codes as part of a web page.

[see col. 4, paragraph 2]

Points of Contact

- * Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

- * Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

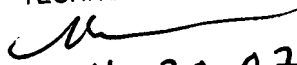
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel L. Hoang
4/27/07

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4,30,07